

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: AMLA LITIGATION

JED S. RAKOFF, U.S.

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16-cv-6593 (JSR)

ORDER

Plaintiffs, individually and on behalf of two certified classes, bring numerous claims against defendants L'Oreal U.S.A., Inc. and Softsheen-Carson LLC related to the "Amla Legend Rejuvenating Ritual Relaxer." This product is sold as a single kit that contains five different components, including a relaxer cream and a scalp protector. In October 2017, the Court granted in part and denied in part plaintiffs' motion for class certification. Dkt. 138. Class notice was complete on February 28, 2018. The opt-out deadline is April 2, 2018. Defendants now move for summary judgment on all claims, both class and individual. Upon careful consideration, the Court grants in part and denies in part defendants' motion for summary judgment, and orders supplemental briefing on one issue.

Defendants' motion for summary judgment is denied as to the individual plaintiffs' strict product liability claims. Defendants' motion is granted on all other claims that are based on any component of the kit except the scalp protector. The New York and Florida 23(b) (3) unjust enrichment classes are decertified.

However, plaintiffs may have demonstrated that there is a genuine dispute as to whether the scalp protector is defective. This

relatively narrow issue was not the focus of the parties' briefing and argument on summary judgment, which instead dealt largely with the relaxer cream component and the presence of amla oil in the kit's components. The Court therefore orders the parties to brief (1) whether plaintiffs have in fact shown a genuine dispute as to whether the scalp protector is defective, (2) if there is such a genuine dispute, what claims on that ground are properly before the Court and legally viable, and (3) what, if any, remaining certified classes are legally viable on this basis.

Defendants' papers shall be filed by April 9, 2018, plaintiffs' opposition by April 16, 2018, and defendants' reply by April 20, 2018. A bottom line order will issue promptly thereafter. The trial is rescheduled and will begin at 9:00 A.M. on May 21, 2018.

A memorandum explaining the reasons for the rulings herein will issue in due course.

SO ORDERED.

Dated: New York, NY
April 3, 2018


JED S. RAKOFF, U.S.D.J.